

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Lavian

Application No.: 09/747296

Filed: 12/22/2000

Title: Dynamic Assignment of Traffic Classes to a Priority Queue in a Packet Forwarding Device

Attorney Docket No.: 120-081

Group Art Unit: 2476

Examiner: Lee

Confirmation No. 2616

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR RECONSIDERATION OF HOLDING OF ABANDONMENT

AND

ALTERNATIVELY TO REVIVE APPLICATION FOR UNINTENTIONAL
ABANDONMENT

Dear Sir:

On September 4, 2012 the Office sent a DECISION ON APPEAL affirming the rejections of claims 1 and 3-24 under 35 U.S.C. 103(a). Approximately one month later on October 5, 2012 the Office sent a NOTICE OF ABANDONMENT for failure to timely file a proper reply to the Office letter mailed on September 4, 2012, i.e., the DECISION ON APPEAL. Applicant respectfully asserts that the NOTICE OF ABANDONMENT was sent prematurely.

As indicated in MPEP § 706.07(h), paragraph XI (interpreting, *inter alia*, 37 CFR 1.304 and 1.114):

Adjustment Date: 12/06/2012 CKHLOK
11/02/2012 INTERSQ 00002422 502569 09747296
01 FC:1453 1890.00 CR

In the event that the request to withdraw the holding of abandonment is denied, applicant respectfully petitions the Commissioner to revive the application under 37 CFR 1.137 (b). As indicated above, it is applicant's good faith belief that a reply filed within two months of the Decision On Appeal would be timely filed. For this and other reasons, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. An Amendment, RCE and required fees are submitted contemporaneously with this Petition. The Commissioner is authorized to charge deposit account 502569 for the petition fee as set forth in § 1.17(m) and any other fees required to revive the application.

Respectfully Submitted,

November 1, 2012
Date

/Holmes W. Anderson/
Holmes W. Anderson, Reg. No. 37,272
Attorney/Agent for Applicant(s)
Anderson Gorecki & Rouille LLP
33 Nagog Park
Acton, MA 01720
(978) 264-4001

Docket No. 120-081
Dd: 11/06/2009

Electronic Acknowledgement Receipt

EFS ID:	14127363
Application Number:	09747296
International Application Number:	
Confirmation Number:	2616
Title of Invention:	Dynamic assignment of traffic classes to a priority queue in a packet forwarding device
First Named Inventor/Applicant Name:	Tal I. Lavian
Customer Number:	34845
Filer:	Holmes W. Anderson/Christine Morissette
Filer Authorized By:	Holmes W. Anderson
Attorney Docket Number:	120-081
Receipt Date:	01-NOV-2012
Filing Date:	22-DEC-2000
Time Stamp:	15:43:23
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$2820
RAM confirmation Number	2422
Deposit Account	502569
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request:	12/04/12	2 Serial/Patent #	09/747,296	
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/> Filing				\$
<input type="checkbox"/> Amendment				\$
<input type="checkbox"/> Extension of Time				\$
<input type="checkbox"/> Notice of Appeal/Appeal				\$
<input checked="" type="checkbox"/> Petition			11/01/12	\$ 1,890.00
<input type="checkbox"/> Issue				\$
<input type="checkbox"/> Cert of Correction/Terminal Disc.				\$
<input type="checkbox"/> Maintenance				\$
<input type="checkbox"/> Assignment				\$
<input type="checkbox"/> Other				\$
		7 TOTAL AMOUNT OF REFUND	\$ 1,890.00	
8 TO BE REFUNDED BY:				
10 REASON:		Treasury Check		
<input type="checkbox"/> Overpayment		<input checked="" type="checkbox"/> Credit Deposit A/C #:		
<input type="checkbox"/> Duplicate Payment		9	5	0 -- 2 5 6 9
<input checked="" type="checkbox"/> No Fee Due (Explanation): Petition dismissed as moot.				
11 REFUND REQUESTED BY:				
TYPED/PRINTED NAME:		Shirene Willis Brantley		TITLE: Petitions Attorney
SIGNATURE: <u>Shirene Willis Brantley</u>		PHONE: 571 272-3230		
OFFICE: Office of Petitions				
***** THIS SPACE RESERVED FOR FINANCE USE ONLY *****				
APPROVED: <u>Chellie</u>		DATE: <u>12/6/12</u>		

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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